

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In Re: Tomika Michelle Thomas
aka Tomika M. Thomas, Jr.
aka Tomika M. Thomas

Case No. 11-36521-DOT
Chapter 13

JPMorgan Chase Bank, National
Association, Movant

vs.

Tomika Michelle Thomas
aka Tomika M. Thomas, Jr.
aka Tomika M. Thomas, Debtor
Robert E. Hyman, Esq., Trustee
Respondents

**MOTION FOR RELIEF FROM AUTOMATIC STAY
Real Property at 437 Hollybrook Ridge Lane, Richmond, Virginia 23223**

Comes now JPMorgan Chase Bank, National Association, Movant, herein, by Abby K. Moynihan, Esq., its attorney and respectfully represents:

1. This Motion is filed pursuant to 11 U.S.C. Sec. 362 d through f, and 28 U.S.C. Section 1334 and Section 157, giving this Court jurisdiction to grant relief from the Automatic Stay for cause and/or to prevent irreparable damage to the interest of a secured creditor in the property of the Debtor.

2. The Movant is the holder of a Note secured by a Deed of Trust dated September 30, 2002, and recorded among the land records of County of Henrico, Virginia, and which encumbers the property of the Debtor at 437 Hollybrook Ridge Lane, Richmond, Virginia 23223.

All that certain lot, piece or parcel of land with all improvements thereon and all appurtenances thereto belonging, lying and being in Fairfield Magisterial District, Henrico County, Virginia shown and designated as Lot 3, Block E, on subdivision plat of "Hollybrook Townhouses Section A" made by Balzer and Associates, Inc., dated May 1, 2002, recorded May 2, 2002 in Plat Book 115, pages 66-68, in the Clerk's Office, Circuit Court, hereby made for a more particular description of the property hereby conveyed.

3. The current debt owed to the Movant is approximately \$130,957.08, and includes a payment shortage in the amount of \$8,611.81, attorney's fees and costs due from December 1, 2010.

4. The Debtor has failed to pay the post-petition payments for the months of November 2011 to July 2012, so that the amount now due is \$8,611.81, which includes current bankruptcy legal fees and costs of \$826.00. The current monthly payment is \$865.09.

5. The Movant contends therefore that the stay should be lifted for cause and that it is inadequately protected by the Debtor's failure to make the post-petition payments.

WHEREFORE, the Movant prays this Honorable Court to issue an Order

1. Lifting the Automatic Stay as to the Debtor's property at 437 Hollybrook Ridge Lane, Richmond, Virginia 23223, so that the Movant can proceed with the foreclosure of its Deed of Trust; or alternatively

2. For such other and further relief as the Court deems appropriate.

NOTICE

Please take notice that the defendant herein is required to file an answer to this Motion with the Clerk, U.S. Bankruptcy Court, 701 East Broad Street, Richmond, Virginia 23219, within **fourteen (14)** days of the date of service hereof.

If you do not file a written response by the deadline indicated, the law provides that the stay protecting you from further legal action against you by the Creditor will automatically terminate.

/s/ Abby K. Moynihan, Esq.
Attorney for Movant
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed, first class, postage prepaid, on July 21, 2012, to Tomika Michelle Thomas aka Tomika M. Thomas, Jr., aka Tomika M. Thomas at 437 Hollybrook Ridge Lane, Richmond, Virginia 23223. Copies were sent electronically via the CM/ECF system to Deanna H. Hathaway, Esq., Attorney for Debtor and Robert E. Hyman, Esq., Trustee.

/s/ Abby K. Moynihan, Esq.